



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 5475-02
10 December 2002

Dear M [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 December 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 1910 Pers 832 of 5 November 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

7220

Ser N130C3/ 02U0494

13 Sep 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
~~PER N130C3/02U0494~~

Ref: (a) SECNAVINST 1900.7G
(b) Defense Joint Military Pay System (DJMS) Procedures
Guide

Encl: (1) BCNR Case File #05475-02 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request by the petitioner to have his separation program designator (SPD) code of "HDG" (parenthood or custody of minor children) changed to prevent collection of the remaining installments of his Selective Reenlistment Bonus (SRB) during his discharge from active duty on 11 April 1997.
3. A review of the petitioner's DD-214 revealed that he was assigned an involuntary separation program designator (SPD) code of "HDG" defined as "parenthood" which entitled him to receive separation pay (half) IAW reference (a). Which the petitioner received a payment in the amount of \$7,651.84 dollars during his discharge from active duty. The fact that the petitioner was discharged involuntarily has no bearing on the issue of recoupment of bonuses IAW reference (b).
4. N130C recommends disapproval of the petitioner's request to stop collection, and the case is forwarded to Pers-814 for consideration.



Assistant Head, Pay and
Allowances Section (N130C)